

REMARKS

The Examiner rejected claims 1-20. Claim 20 has been cancelled herein without prejudice. Thus, claims 1-19 are pending.

In light of the following remarks, Applicants respectfully request reconsideration and allowance of claims 1-19.

Rejection under 35 U.S.C. § 112, first paragraph

The Examiner rejected claim 20 as allegedly failing to comply with the written description requirement and the enablement requirement. Applicants respectfully disagree. To further prosecution, however, claim 20 has been cancelled herein without prejudice. Thus, these rejections are moot.

Rejections under 35 U.S.C. §§ 102(a) and 103(a)

The Examiner rejected claims 1-20 under 35 U.S.C. § 102(a) as allegedly being anticipated by, or under 35 U.S.C. § 103(a) as allegedly being obvious over, the Liuzzo *et al.* reference (*J. Am. College Card.*, 31(2):187A-187A Suppl. A; (Feb. 1998)). The Examiner also rejected claims 1-20 under 35 U.S.C. § 103(a) as allegedly being obvious over the Liuzzo *et al.* reference in view of the Prussin *et al.* reference (*J. Immunol. Meth.*, 188:117-128 (1995)).

Applicants respectfully submit that the accompanying declaration filed under 37 C.F.R. § 1.132 demonstrates that the Liuzzo *et al.* reference is the inventors' own work. In addition, claim 20 has been cancelled herein without prejudice.

In light of the above, Applicants respectfully request withdrawal of the rejection of claims 1-19 under 35 U.S.C. § 102(a) and § 103(a).

Rejections under 35 U.S.C. § 102(b)

The Examiner also rejected claims 1-20 under 35 U.S.C. § 102(b) as allegedly being anticipated by the Prussin *et al.* reference stating that "'comparing' and 'classifying' carry no weight in overcoming prior art."

Applicant : Jorg J. Goronzy et al.
Serial No. : 10/630,344
Filed : July 30, 2003
Page : 7 of 7

Attorney's Docket No.: 07039-169002 / MMV-98-070

Applicants respectfully disagree. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See, MPEP § 2131. Claim 1 recites a method for diagnosing an angina condition in a patient. This recited method includes four steps: (a) stimulating lymphocytes from the patient, (b) determining the frequency of cytokine-producing cells among the lymphocytes, (c) comparing the frequency of cytokine-producing cells to a reference frequency to obtain information about the angina condition, and (d) classifying the angina condition as stable or unstable based on the information. At no point does the Prussin *et al.* reference disclose such a method. In fact, the Prussin *et al.* reference fails disclose any information about diagnosing an angina condition in a patient. Thus, the Prussin *et al.* reference does not anticipate claims 1-19.

In light of the above, Applicants respectfully request withdrawal of the rejection of claims 1-19 under 35 U.S.C. § 102(b).

CONCLUSION

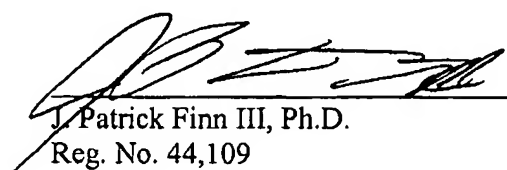
Applicants respectfully assert that claims 1-19 are in condition for allowance, which action is requested. The Examiner is invited to telephone the undersigned attorney if such would expedite prosecution.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date:

September 21, 2006


J. Patrick Finn III, Ph.D.
Reg. No. 44,109

Fish & Richardson P.C.
60 South Sixth Street, Suite 3300
Minneapolis, MN 55402
Telephone: (612) 335-5070
Facsimile: (612) 288-9696
60356114.doc